

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JUNE M. DOMINO, Ph.D.,

Plaintiff,

v.

CALIFORNIA CORRECTIONAL HEALTH  
CARE SERVICES, et al.,

Defendants.

No. 1:19-cv-01790-NONE-SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION REGARDING “EX  
PARTE APPLICATION FOR ORDER TO  
SERVE AND STAY FIRST AMENDED  
[SIC] COMPLAINT”

(Doc. No. 13)

Plaintiff June M. Domino, Ph.D., is proceeding pro se and *in forma pauperis* in this action against her former employer California Correctional Healthcare Services and labor union AFSCME Local 2620. (Doc. Nos. 2, 3, 10.) Following the screening of her original complaint, plaintiff filed her First Amended Complaint (FAC), the operative pleading, on March 24, 2020. (Doc. No. 10.) Therein, plaintiff alleges causes of action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., for hostile work environment and retaliation, and a cause of action under 42 U.S.C. § 1981 for racial discrimination. (*See id.*) Plaintiff also alleges a cause of action under state law for negligent supervision. (*See id.*)

In the May 8, 2020 second screening order, the assigned magistrate judge found that plaintiff’s FAC did not state any cognizable claims and granted plaintiff one final opportunity to amend her complaint to cure its noted deficiencies. (*See* Doc. No. 11.) Pursuant to a requested extension, plaintiff’s Second Amended Complaint is due July 6, 2020. (*See* Doc. No. 15.)

On May 12, 2020, plaintiff filed a document titled “Ex Parte Application for Order to Serve and Stay First Amended [sic] Complaint,” requesting that the Court “order a comprehensive Federal Investigation into Defendants [sic] alleged acts of racism and retaliation” and issue a “Temporary Order sustaining Plaintiff’s compensation until such time that a complete and comprehensive discovery of the facts are made known.” (Doc. No. 12.) On May 20, 2020, the assigned magistrate judge issued findings and a recommendation that the ex parte application be denied to the extent it requests the court to order a federal investigation and be denied without prejudice to the extent it seeks preliminary injunctive relief. (Doc. No. 13.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were due within twenty-one days. (*See id.*) On May 29, 2020, plaintiff filed timely objections.<sup>1</sup>

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s objections, the court finds that the findings and recommendation are supported by the record and proper analysis.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendation issued May 20, 2020 (Doc. No. 13), are ADOPTED IN FULL; and
2. Plaintiff’s “Ex Parte Application for Order to Serve and Stay First Amended [sic] Complaint,” filed on May 12, 2020 (Doc. 12), is DENIED to the extent it requests the court to order a federal investigation and is DENIED WITHOUT PREJUDICE to the extent it seeks preliminary injunctive relief.

IT IS SO ORDERED.

Dated: July 1, 2020

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Plaintiff also appealed the findings and recommendations, which appeal was dismissed for lack of jurisdiction on June 26, 2020. (*See* Doc. Nos. 16, 19.)